



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,605	03/05/2002	Andrew L. Wilhelm	DP-301569	6575

7590 06/13/2003

STEFAN V. CHMIELEWSKI  
DELPHI TECHNOLOGIES, INC.  
Legal Staff Mail Code A-107  
P. O. Box 9005  
Kokomo, IN 46904-9005

EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
----------	--------------

2632

DATE MAILED: 06/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/090,605

Applicant(s)

WILHELM ET AL.

Examiner

Julie Lieu

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-15 and 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiener (US Patent No. 6,490,521).

**Claim 1:**

Wiener discloses an alert system comprising:

- a. A condition information receiver 70,71,77 receiving condition data and generating a condition information signal in response to the condition data
- b. A positioning system receiver 25 receiving position data and generating a position signal in response to the position data
- c. An indicator 81,83
- d. A system controller 76 electrically coupled to the condition information receiver 77, the positioning system, the indicator, the system controller receiving the

Art Unit: 2632

condition information signal (weather, traffic, navigation information, etc...col. 8, second paragraph), the position signal (GPS data), and coupling a condition alert signal to the indicator 81,83 in response to the condition information signal and the position signal.

Claim 2:

The alert system in Wiener is an audio unit 83, a video unit 81, and a headsup display.

See col. 6, lines 41-49.

Claim 3:

The system in Wiener further comprises:

- a. A video system 80 electrically coupled to the system controller 76
- b. An audio system 83 electrically coupled to the system controller 76

wherein the system controller indicates the conditional alert signal in the video system and the audio system.

Claim 4:

The condition signal in Wiener is the weather.

Claim 5:

The video system in Wiener is a navigation system.

Claim 6:

The audio system in Wiener receives data is a recorded voice.

Claim 7:

The system controller 76 receives the position signal (GPS data) and signals the video display system (navigation map or text)

Art Unit: 2632

Claim 8:

The system controller 76 combines the condition information signal with the position signal to form an overlay condition position signal.

Claim 9:

The system controller in Wiener also indicates a heading direction of the condition information receiver.

Claim 10:

The condition information receiver in Wiener is a wireless communicating system and navigation system.

Claim 11:

The audio system in Wiener is a sound conveying device.

Claim 12:

The condition information receiver is a wireless data system, personal communication service, and cellular data network.

Claims 13 and 14:

The rejection of claim 13 and 14 recites what was discussed in the rejection of claims 1 and 2.

Claim 15:

The indicating method step in Wiener indicates current hazardous condition, further displaying a condition map on a video display and overlaying a condition alert system position on the video display and indicating a condition alert system heading. Col. 6, lines 32-49.

Claim 18:

In Wiener, the system dynamically updates condition data based on a condition alert system position.

Claim 19:

The system in Wiener indicates a current hazardous condition further comprises calculating a condition alert system position relative to an alert area.

Claim 20:

The displaying step in Wiener displays an overlay of a condition alert system position on a generated condition map on a video display. Col. 6, lines 33-40.

Claim 21:

The system in Wiener displays the heading direction of a condition alert system.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 2632

5. Claims 16 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Wiener (US Patent No. 6,490,521) in view of Klosinski et al. (US Patent NO. 5,889,475).

Claim 16:

Wiener fails to disclose overriding vehicle audio entertainment systems and generating an audio signal on a vehicle audio entertainment system. However, the concept of overriding the vehicle AM/FM radio system and broadcasting emergency situation over the same is conventional in the art as taught in Klosinski. In light of this teaching, it would have been obvious to one skill in the art to apply the same concept in the system of Wiener because it would allow emergency situation to be brought to subscriber's attention immediately.

Claim 22:

Wiener discloses an alert system comprising:

- a. A condition information receiver 70,71,77 receiving condition data and generating condition information signal in response to the condition data
- b. A positioning system receiver<sup>25</sup> receiving position data an generating a position signal in response to the position data
- c. A video system 81
- d. An audio system 83
- e. A system controller 76 electrically coupled to the condition information receiver 77, the positioning system receiver, the video system, the audio system, the system controller in response to the condition information signal (weather, traffic, navigation information, etc...col. 8, second paragraph) and the position signal (GPS data) forming an overlay condition position signal (col. 6, lines 32-40)

Wiener fails to disclose overriding vehicle audio entertainment systems and generating an audio signal on a vehicle audio entertainment system. However, the concept of overriding the vehicle AM/FM radio system and broadcasting emergency situation over the same is conventional in the art as taught in Klosinski. In light of this teaching, it would have been obvious to one skill in the art to apply the same concept in the system of Wiener because it would allow emergency situation to be brought to subscriber's attention immediately.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McCarthy et al., US Patent No. 6,477,464, discloses a complete mirror-based global positioning system (GPS) navigation solution.

Deline et al., US Patent No. 6326,900, discloses an interior rearview mirror system incorporating light-emitting information display.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The examiner can normally be reached on Mon-Thursday, 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone numbers for the



Art Unit: 2632

organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a stylized, cursive script.

Julie Lieu  
Primary Examiner  
Art Unit 2632

jl  
December 15, 2002